

Official Minutes for Webb County Commissioners Court Meeting

Monday, February 9, 2004 at 1:00 PM

(Approved 03-08-2004)

- Item No. 1 Call to order by Judge Louis H. Bruni
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Jerry Vasquez	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Felix Velasquez	Commissioner, Pct. 3
David Cortez	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 5th and 6th of February 2004. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk

- Item No. 3 Pledge of Allegiance – Led by Cmr. Gutierrez

- Item No. 4 Approval of minutes – January 26, 2004

Cmr. Gutierrez motioned to accept the minutes as presented. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 5 Approval of bills, payroll and monthly reports

Mr. Leo Flores, County Auditor, presented his monthly report and requested that the court clarify its stance on the cellular phone minutes for elected officials due to conflicting statements from his office and the Treasurer's department. Judge Bruni also requested that Mr. Flores look over the invoices because his cellular phone shows usage of over 1,000 minutes but that he does not use it unless he is unable to make a call with his personal phone. Mr. Homero Ramirez, County Attorney, advised Court that there is no problem if the phone is used for both personal and business reasons as long as county policy is followed. Cmr. Gutierrez expressed concerns about departments that have not met their projected revenue. Mr. Flores shared Cmr. Gutierrez's concerns but felt that the court needed to discuss those concerns

with the individual departments. He also advised the court that the Indigent Health Care Program has only spent 3% of its total budget. Cmr. Gutierrez also expressed concern about the low amount being spent on indigent health care and stated that program is there to help those who qualify and to make sure that the program is managed correctly, not about saving money. Cmr. Velasquez shared Cmr. Gutierrez's concerns and stated that their objective was not to do away with the program. Mr. Flores stated that the internal audit would be completed by this week and the final report ready by next week.

Cmr. Velasquez motioned to accept the reports presented. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 6 Communications

Cmr. Cortez requested that the issue to discretionary funds be clarified as well as the process that needed to be followed before those monies could be expended. Mr. Homero Ramirez, County Attorney, stated that since this was not an agenda item, the Court would be unable to discuss this but that it would be permissible for him to advise the court as to its current policy. He stated that it had been determined in years past that the commissioners would have an equal amount of monies allotted to each commissioner for projects that they felt were important for their precinct. He stated that "discretionary" gave an improper implication that the monies could be expended without Court approval and that they must serve a public purpose and have Court approval.

Cmr. Cortez advised Court that he would be mailing out a letter with a map to Pct. 4 constituents regarding the redistricting changes and that these would be paid with his private monies.

Cmr. Gutierrez commended the "Yes, I Will Vote!" campaign spearheaded by Bill Green of the Laredo Morning Times for pushing voter registration and Ms. Alyssa Oliveros on the Federal Review held last week for the Head Start Program and stated she looks forward to seeing good things when the report is submitted.

Item No. 7 Public Comment

There was no public comment.

Item No. 8 Discussion and possible action to direct the Road and Bridge, Planning, and Engineering Departments, and appropriate staff to develop a systematic road improvement plan for Webb County Roads for 2004.

Judge Bruni stated that there was a need to prioritize the County roads with more vehicular traffic for road improvements and would like for Mr. Jose Luis Rodriguez, Mr. Tomas Rodriguez and Ms. Rhonda Tiffin to meet regarding this and to have them

present a report to the Court at the next meeting. Mr. Jose Luis Rodriguez, Road and Bridge Superintendent, stated that some of the new equipment that was ordered with the monies allocated to his department this year have not arrived. Mr. Tomas Rodriguez, County Engineer, stated that two plans were needed – one to decide which roads need repair/maintenance and one to budget the \$2 million allotted by the Court. Ms. Rhonda Tiffin, Planning Director, stated that the roads worked on are chosen according to the vehicular traffic and usage number.

Cmr. Cortez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 9 Discussion and possible action to establish policy on number of peace officer reserves for all county departments.

Cmr. Cortez motioned to defer item. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to move up Item No. 24. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 24 Discussion and possible action to solicit request for proposals for a site for the Youth Village Project.

Item was placed on hold pending Judge Jesus Garza's arrival.

Cmr. Gutierrez motioned to move back to the regular items. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 10 Discussion and possible action to submit grant application to United Way, for the Emergency Food & Shelter Phase # 22, FY 2004, in the amount of \$20,000.00.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Ms. Cynthia Mares, Community Action Agency Director, advised Court that grant monies would be used for utility assistance and Ms. Soto was the chairman for the committee.

Cmr. Vasquez stepped out.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

- Item No. 11 Discussion and possible action to accept the Community Social Services Block Grant initial allocation from Texas Department of Housing and Community Affairs (TDHCA), for FY 2004, in the amount of \$114,737.00.

Cmr. Vasquez returned.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 12 Discussion and possible action to accept the Comprehensive Energy Assistance Grant from the Texas Department of Housing and Community Affairs, FY 2004, in the amount of \$380,763.00, with corresponding budget and personnel general order.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 13 Discussion and possible action to enter into a one (1) year (February 9, 2004 through February 8, 2005) parts and labor extended warranty with Allegheny Paper on a Paper Shredder located at the Records Management Department at a cost of TWO THOUSAND NINE HUNDRED AND NINETY FIVE DOLLARS (\$2,995.00), seeking a discretionary exemption to the competitive bidding statute (Local Government Code section 262.024(a)(7) (Sole Source)), and authorizing the County Judge to execute all relevant documents. [Requested by Records Management Department, Account No. 001-0500-6402 Repairs and Maintenance Equipment]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 14 Discussion and possible action for the court to exercise fifth (5) option on a property lease agreement with Max L. Watts, President of VIMOSA II, for the Webb County Head Start Center located at 102

Sierra Vista Boulevard in the City of Laredo for an additional year (2003-2004) ending on August 31, 2004 at an annual rate of one dollar (\$1.00) and authorizing the County Judge to sign all relevant documents. [Account No. 903-4208-6012 Space Rental]

Cmr. Velasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 15 Discussion and possible action authorizing the submission of a grant application to the Texas Department of Transportation, Grant Project 5311, for "Nonurbanized Area Formula Program Grant Application" requesting approximately \$412,775.00 for rural transportation funding for the El Aguila Rural Transit and any matters incident thereto, and authorizing the County Judge to sign all relevant documents. [Requested by the Community Action Agency Rural Transportation Department]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion with discussion.

Ms. Cynthia Mares, Community Action Agency Director, advised Court that there was a local match of approximately \$85,000 but that when the Auditor claims the \$45,000 fee for document processing and grant administration, the total grant match would be approximately \$40,000.

Motion carried 5-0 by unanimous consent.

- Item No. 16 Discussion and possible action to enter into a one, two, or three year maintenance agreement with YORK INTERNATIONAL to provide maintenance services for two Carrier Air Conditioning Chillers located at the Central Chiller Plant. The annual cost is FOUR THOUSAND FIVE HUNDRED AND FIFTY DOLLARS (\$4,550.00), FOUR THOUSAND SIX HUNDRED AND EIGHTY FIVE DOLLARS (\$4,685.00) per year for a two year maintenance agreement, and FOUR THOUSAND EIGHT HUNDRED TWENTY FIVE DOLLARS (\$4,825.00) per year for a three year maintenance agreement, seeking a discretionary exemption to the competitive bidding statute (Local Government Code section 262.024(a) (7) (Sole Source)), and authorizing the County Judge to execute all relevant documents. [Requested by Facilities Department; Account Number 001-0106-6401 Repairs and Maintenance Building]

Mr. Homero Ramirez, County Attorney, stated that there was a one-, two-, or three-year option and that Mr. Raul Elizondo, Maintenance Director, recommended the three-year option. He stated that the reason for the discretionary exemption was that this was the sole provider of these services.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion with discussion.

Motion carried 5-0 by unanimous consent.

- Item No. 17 Discussion and possible action to enter into a Third Party Funding Agreement with TAMIU Guitar Ensemble Community Outreach in the amount of \$4,500.00, and to correct name in line item 001-0110-7453 (Third Party Contracts) in the FY 2004 budget to accurately reflect TAMIU Guitar Ensemble Community Outreach instead of LCC Spanish Traditional Group, and authorizing the County Judge to execute all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 18 Discussion and possible action to enter into Third Party Funding Agreements as follows:
Savate Box \$ 7,500.00;
Sacred Heart of Children's Home \$15,000.00;
LULAC No. 12 (Hotel/Motel) \$ 6,000.00;
and, authorizing the County Judge to execute all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 19 Discussion and possible action to enter into a contract with Gateway Community Health Center, Inc., beginning October 1, 2003, through September 30, 2004, for the exclusive purchase of medication for County residents as prescribed by center physicians and to offset the salary of a medical provider at an annual cost of ONE HUNDRED-FIFTY THOUSAND DOLLARS (\$150,000) and authorizing the County Judge to sign all relevant documents. [Account # 001-4300-7455 Gateway Community Health]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 4-0 with Cmr. Cortez abstaining from vote.

- Item No. 20 Discussion and possible action to enter into a Third Party Funding Agreement with Boy Scouts of America in the amount of \$5,000.00, and authorizing the County Judge to execute all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 21 Discussion and possible action to transfer title of a 2000 Chevrolet Blazer VIN: 1GNCS13W6Y2199978, to be used by the D.E.A. Task Force attached to the District Attorney's office.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 22 Status report on the Indigent Health Care Program

Mr. Frank X. Salinas, interim Indigent Services Program Director, presented a report to the Court showing the changes that have been implemented in the Indigent Health Care Program as well as the expenses that have been cut. Cmr. Velasquez inquired as to whether the "gatekeeper" system had been looked into to administer this program. Mr. Salinas stated that there is another interested party for the "gatekeeper" system. Cmr. Cortez congratulated Mr. Salinas for a job well done and stated that they are going in the right direction. He stated that they need to help those in need but that it does not mean that they must go over budget. Mr. Salinas stated that he currently had 14 employees and stated that new tracking system developed by MIS Department created additional work for those workers. Cmr. Gutierrez stated that she was concerned about going from one extreme (going drastically over budget) to another (being drastically under budget). She stated that there were monies allotted for this program and that they needed to be able to render services to those people that need it and qualify. Mr. Salinas stated that client numbers will now begin to go up now that program has been put under control and that no clients have been left without medical assistance through referrals to other agencies. Cmr. Vasquez commended Mr. Salinas for wanted to maximize assistance for indigent health care and that prior system was very flawed. Cmr. Cortez stated that he would like to recommend Mr. Salinas for Indigent Director. Mr. Homero Ramirez, County Attorney, advised Court that Cmr. Cortez's comments could be discussed under Item No. 28.

- Item No. 23 Discussion and possible action to authorize the filling of Slot # 1507 (Secretary) effective February 10, 2004 at \$9.00 per hour during the probationary period and increased to the budgeted amount of \$10.00 per hour upon satisfactory completion of the probationary period.
- Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.
- Mr. Homero Ramirez, County Attorney, advised Court that due to County policy, there is no probationary period and recommended that the motion state that the pay would be \$9.00 per hour for the first 90 days and then be raised to \$10.00 after the first 90 days.
- Cmr. Vasquez modified his motioned to reflect Mr. Ramirez's recommendation. Cmr. Gutierrez modified her second.
- Motion carried 5-0 by unanimous consent.
- Item No. 24 Discussion and possible action to solicit request for proposals for a site for the Youth Village Project.
- Judge Jesus Garza, County Court at Law No. 2, stated that the Board of Judges have met with the architectural teams and will work with whatever the Court decides but that they need direction from the Court due time is running out on the bond monies for this project. He would like for the court to either keep things as they are or to instruct Mr. Eloy Ramirez, Purchasing Agent, to look for other sites.
- Cmr. Gutierrez motioned to instruct Mr. Eloy Ramirez, Purchasing Agent, to solicit RFQ's and to not proceed with L.I.F.E. Downs location. Judge Bruni seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 25 Discussion and possible action to purchase sixty-five (65) Veteran's Cemetery Memorial Bases for a total of \$7,150.00. [Account # 001-0106-6401 Repairs and Maintenance Building]
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.
- Mr. Leo Flores, County Auditor, advised Court that account number was correct.
- Motion carried 5-0 by unanimous consent.
- Item No. 26 Discussion and possible action to purchase materials for the Law Enforcement Center for a total of \$7,134.01. [Account # 001-2060-

6205 Materials and Supplies and 001-2060-6401 Repairs and Maintenance Building]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Mr. Eloy Ramirez, Purchasing Agent, stated that these purchases were for kitchen area improvements, substation addition and painting. Mr. Jose Salinas, Sheriff's Department Chief Administrator, stated that the remodeling would be done by maintenance personnel.

Motion carried 5-0 by unanimous consent.

- Item No. 27 Discussion and possible action to solicit bids to repair or replace roofs on County Buildings for damages caused by the June 2, 2003 storm. [Account # 001-0105-6032-04 Storm Damage 06/03]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 28 Discussion and possible action to solicit request for qualifications for a Central Welfare Director for Webb County.

Cmr. Gutierrez motioned to table item. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 29 Discussion and possible action to solicit request for qualifications for a Forensic Pathologist for Webb County.

Cmr. Gutierrez stated that as chair of the Morgue Committee, she was requesting additional time for this item.

Cmr. Gutierrez motioned to table item. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 30 Discussion and possible action to solicit request for qualifications for a Risk Manager for Webb County.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Cmr. Gutierrez stated that she was against item because grievance committee has not heard grievance requested by Ms. Juanita Puente, former Risk Manager, and that committee would be a ruse if their recommendations were not taken into account. Cmr. Vasquez stated that they needed to proceed with RFQ's even if after grievance committee hearing they are not necessary. Mr. Homero Ramirez, County Attorney, stated that he would prefer to discuss this item in Executive Session regarding any legal implications that they may come across. Cmr. Gutierrez expressed concern over requirements and felt that experience should be able to be substituted for education. Cmr. Cortez stated that a professional was needed to administer this department.

Motion failed 2-2 with Cmr. Gutierrez and Cmr. Velasquez voting against and Judge Bruni abstaining.

Cmr. Gutierrez motioned to go into Executive Session as per recommendation by County Attorney. Cmr. Velasquez seconded the motion.

Motion passed 3-2 with Cmr. Vasquez and Cmr. Cortez voting against.

Mr. Homero Ramirez, County Attorney, stated that under the rules of professional responsibility, he can give legal advise on questions addressed by Court members.

Cmr. Gutierrez motioned to defer item to Executive Session with other Executive Session items. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 31 Discussion and possible action to purchase two (2) scanners and accessories for the District Clerk's Office for a total amount of \$15,449.00. [Account # 660-1110-8801 Capital Outlay Certificates of Obligation Series 2003]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 32 Status report regarding losses due to the June 2, 2003 storm

Ms. Amy Palacios, Interim Risk Manager, submitted to the Court a list of properties that were damaged, as well as the compensation received or denied for each claim. She stated that she had submitted a claim for the L.I.F.E. Downs main stage area under unintentional omissions due the stage was never reported to the Risk Management Office after it was constructed and was never included in the property listings for Webb County. She stated that there were approximately 16 building that were removed from the schedule list submitted to the insurance carrier annually.

No action was taken due this was a report.

- Item No. 33 Discussion and possible action to approve the payment of overtime hours accrued by a Sheriff Department employee due to the October 13, 2003 flood. Account # 001-0105-6032-05 Flood Damage 10/03]

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 34 Discussion and possible action to authorize a line item transfer from Road and Bridge Fund Balance (Account # 010-2985) in the amount of \$32,525.00 (2001 Insurance Proceeds) to Road and Bridge Capital Outlay Account # 010-0102-8801.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Ms. Tricia Cortéz, Laredo Morning Times writer, stated for the record that the Laredo Morning Times objected to the Court going into Executive Session on an item that had not been posted as an Executive Session item. Mr. Homero Ramirez, County Attorney, stated that court had several options – 1) proceed into Executive Session, 2) reconsider and discuss in open session or 3) bring back on next agenda as Executive Session item.

Cmr. Vasquez motioned to bring back Item No. 30. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 30 Discussion and possible action to solicit request for qualifications for a Risk Manager for Webb County.

Cmr. Velasquez motioned to table item. Cmr. Gutierrez seconded the motion.

Motion carried 3-2 with Cmr. Vasquez and Cmr. Cortez voting against.

Addendum

- Item No. 1 Discussion and possible action to approve an Intergovernmental Agreement between Frio County and Webb County regarding housing of Webb County prisoners in the Frio County Jail, at a per diem rate of \$37.50 per prisoner.

Judge Bruni motioned to approve item as submitted. Cmr. Velasquez seconded the motion with discussion.

Judge Bruni stated that capacity at jail is 571 and that they are close to maximum capacity and need to be sure that they have a place for the overflow. Sheriff Juan Garza advised the Court that they are currently under state order for over population.

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez, County Attorney, advised Court that there was no need to go into Executive Session for Item No. 37 and No. 38 but did need to advise the Court on Item No. 35 and No. 36.

- Item No. 37 Discussion and possible action to enter into an Interlocal agreement with South Texas Development Council for a six month period beginning October 1, 2003 for the provision of 9-1-1 service and public safety answering point equipment and authorizing the County Judge to sign all relevant documents. Executive session may be requested to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney).

Mr. Nathan Bratton, Assistant County Attorney, advised Court that period should be from September 1, 2003 to end of February. He also stated that City of Laredo would be new administrators and will bring another contract soon.

- Item No. 38 Discussion and possible action to enter into a Interlocal agreement with South Texas Development Council for a six month period beginning October 1, 2003 for the provision of 9-1-1 addressing and addressing maintenance and authorizing the County Judge to sign all relevant documents. Executive session may be requested to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney).

Ms. Rhonda Tiffin, Planning Director, stated that they were having problems with the funding allocation.

Mr. Homero Ramirez, County Attorney, recommended that the court enter into both agreements.

Cmr. Gutierrez motioned to approve Item No. 37 and No. 38 with date correction on Item No. 37. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to move into Executive Session. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

EXECUTIVE SESSION (3:48 pm to 4:18 pm)

Judge Bruni reconvened meeting and stated that no action was taken while in Executive Session.

- Item No. 35 Discussion and possible action regarding adjustment to pay for part time and/or temporary employees as a result of any clarification to Webb County Personnel Policies Manual concerning holidays, leave time, and other benefits. Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney).

Cmr. Velasquez motioned to continue with current policy and not pay part-time employees holiday leave. Cmr. Gutierrez seconded the motion.

Motion carried 4-1 with Cmr. Vasquez voting against.

- Item No. 36 Discussion and possible action regarding amendment of Webb County Personnel Policies Manual to clarify issues of benefits, holidays, and other leave periods for various categories of employees as described in Section 5.01 of the manual. Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney).

Cmr. Gutierrez requested that Mr. Homero Ramirez come before the Court at a later meeting with a recommendation. Cmr. Velasquez seconded the motion with discussion.

Cmr. Velasquez clarified his position to the Court stated that he wanted to find a way to fund holiday leave for part-time employees but after discussing the policies with Mr. Homero Ramirez, he followed his recommendation. Mr. Homero Ramirez, County Attorney, stated that Court could change the policy if it wished.

Motion carried 5-0 by unanimous consent.

- Item No. 39 Adjournment

Cmr. Gutierrez motioned to adjourn meeting. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.